

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Utilities and Technology, to which was referred Senate Bill No. 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 5-28-2-6 IS ADDED TO THE INDIANA CODE
- 4       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5       1, 2009]: **Sec. 6. For purposes of IC 5-28-17, "small business"**
- 6       **means a business entity that satisfies the following requirements:**
- 7       **(1) On at least fifty percent (50%) of the working days of the**
- 8       **business entity occurring during the preceding calendar year,**
- 9       **the business entity employed at least two (2) but not more**
- 10       **than one hundred (100) employees.**
- 11       **(2) The majority of the employees of the business entity work**
- 12       **in Indiana.**
- 13       SECTION 2. IC 5-28-5-6.5 IS ADDED TO THE INDIANA CODE
- 14       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15       1, 2009]: **Sec. 6.5. The board, in consultation with the office of**
- 16       **energy and defense development, shall establish the office of small**
- 17       **business energy advancement to carry out the corporation's duties**
- 18       **under IC 5-28-17. The office of energy and defense development**
- 19       **shall provide staff support to the office of small business energy**
- 20       **advancement.**
- 21       SECTION 3. IC 5-28-17-1, AS ADDED BY P.L.4-2005, SECTION

34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The corporation shall do the following to carry out this chapter:

(1) Contribute to the strengthening of the economy of Indiana by encouraging the organization and development of new business enterprises, including technologically oriented enterprises.

(2) Submit an annual report to the governor and to the general assembly not later than November 1 of each year. The annual report must:

(A) include detailed information on the structure, operation, and financial status of the corporation; and

(B) be in an electronic format under IC 5-14-6.

The board shall conduct an annual public hearing to receive comment from interested parties regarding the annual report, and notice of the hearing shall be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).

(3) Approve and administer loans from the microenterprise partnership program fund established by IC 5-28-18.

(4) Conduct activities for nontraditional entrepreneurs under IC 5-28-18.

(5) Establish and administer the small and minority business financial assistance program under IC 5-28-20.

(6) Establish and administer the microenterprise partnership program under IC 5-28-19.

**(7) Assist small businesses in obtaining state and federal energy tax incentives.**

**(8) Establish a statewide network of public, private, and educational resources to inform small businesses of the state and federal programs under which they may obtain financial assistance or realize reduced costs.**

(b) The corporation may do the following to carry out this chapter:

(1) Receive money from any source, enter into contracts, and expend money for any activities appropriate to its purpose.

(2) Do all other things necessary or incidental to carrying out the corporation's functions under this chapter.

(3) Establish programs to identify entrepreneurs with marketable ideas and to support the organization and development of new business enterprises, including technologically oriented enterprises.

(4) Conduct conferences and seminars to provide entrepreneurs with access to individuals and organizations with specialized expertise.

(5) Establish a statewide network of public, private, and educational resources to assist the organization and development of new enterprises.

(6) Operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses.

(7) Cooperate with public and private entities, including the Indiana Small Business Development Center Network and the federal government marketing program, in exercising the powers listed in this subsection.

(8) Establish and administer the small and minority business financial assistance program under IC 5-28-20.

(9) Approve and administer loans from the microenterprise partnership program fund established by IC 5-28-18.

(10) Coordinate state funded programs that assist the organization and development of new enterprises.

**(11) Consult and cooperate with the office of energy and defense development in the establishment of the office of small business energy advancement under IC 5-28-5-6.5.**

SECTION 4. IC 5-28-17-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. The office of small business advancement established under IC 5-28-5-6.5 shall provide free access to the office's services through:**

**(1) a toll free telephone number; and**

**(2) an Internet web page maintained on the web site of the office of energy and defense development."**

Page 2, line 8, delete "December 31, 2016." and insert **"The date rates are placed in effect after a general rate proceeding that recognizes an investment by a public utility in the public utility's rate base."**

Page 2, delete lines 9 through 11.

Page 2, delete line 18.

Page 2, line 41, delete "operated" and insert **"operates"**.

Page 3, line 8, after "costs" insert **", by means of a periodic rate adjustment mechanism,"**.

Page 3, line 21, delete "A schedule determined under".

Page 3, delete line 22.

Page 4, delete lines 31 through 42.

Delete page 5.

- 1 Page 6, delete lines 36 through 42.
- 2 Page 7, delete line 32 through 42.
- 3 Page 8, delete lines 1 through 13.
- 4 Page 8, line 22, delete "costs, regardless" and insert "**costs**".
- 5 Page 8, delete lines 23 through 24.
- 6 Page 8, delete lines 37 through 42.
- 7 Page 9, delete lines 1 through 26.
- 8 Page 11, delete lines 24 through 42.
- 9 Page 12, delete lines 1 through 14.
- 10 Page 12, line 29, delete "refers to a regional transmission
- 11 organization" and insert "**has the meaning set forth in IC 8-1-8.4-6**".
- 12 Page 12, delete lines 30 through 32.
- 13 Page 12, line 40, after "sources" insert ", **technologies**".
- 14 Page 13, line 5, delete "IC 8-1-8.8-2)." and insert "**IC 8-1-8.8-2)**,
- 15 **including plant efficiency measures**".
- 16 Page 13, line 7, delete "producing steam" and insert ".".
- 17 Page 13, delete line 8, begin a new line block indented and insert:
- 18 **"(8) Noncarbon dioxide emitting or low carbon dioxide**
- 19 **emitting electricity generating technologies placed in service**
- 20 **after June 30, 2009.**
- 21 **(9) Hydropower.**
- 22 **(10) Demand side management or energy efficiency programs**
- 23 **that:**
- 24 **(A) reduce electricity consumption; or**
- 25 **(B) implement load management or demand response**
- 26 **technologies that shift a customer's electric load from**
- 27 **periods of higher demand to periods of lower demand.**
- 28 **(11) Combined heat and power systems that:**
- 29 **(A) use natural gas or renewable energy resources as**
- 30 **feedstock; and**
- 31 **(B) achieve at least seventy percent (70%) overall**
- 32 **efficiency**".
- 33 Page 13, line 22, after "IC 8-1-2-23.1" delete "," and insert "**or**".
- 34 Page 13, line 22, delete "or section 9 of this chapter,".
- 35 Page 14, line 12, after "RECs" insert "**or carbon offset**
- 36 **equivalents**".
- 37 Page 14, line 15, after "4(a)(5)" insert ", **4(a)(8), 4(a)(10), or**
- 38 **4(a)(11)**".
- 39 Page 14, line 24, delete "resources in an" and insert "**resources**";.
- 40 Page 14, delete line 25.
- 41 Page 14, line 32, after "IC 8-1-2-23.1(d)" delete "," and insert "**or**".
- 42 Page 14, line 32, delete "or section 9(c) of this chapter,".

- 1 Page 15, line 6, delete "shall" and insert "**may**".
- 2 Page 15, line 7, delete "on the electricity supplier." and insert "**in an**
- 3 **amount equal to the product of:**
- 4 **(1) the number of megawatt hours of electricity that the**
- 5 **electricity supplier was required to, but failed to, supply**
- 6 **under section 5(c) of this chapter; multiplied by**
- 7 **(2) twenty dollars (\$20)."**
- 8 Page 15, line 7, beginning with "In" begin a new line blocked left.
- 9 Page 15, line 36, after "5(b)" insert "**or 5(c)**".
- 10 Page 15, line 39, delete "or".
- 11 Page 15, between lines 41 and 42, begin a new line block indented
- 12 and insert:
- 13 **"(3) purchasing RECs or carbon offset equivalents; or**
- 14 **(4) complying with federal renewable energy resource**
- 15 **portfolio requirements;".**
- 16 Page 16, delete lines 1 through 7.
- 17 Page 16, line 8, delete "(c)" and insert "**(b)**".
- 18 Page 16, line 13, after "5(b)" insert "**or 5(c)**".
- 19 Page 16, between lines 13 and 14, begin a new paragraph and insert:
- 20 **"(c) If the commission revokes a periodic rate adjustment**
- 21 **mechanism allowed to an electricity supplier under subsection (b),**
- 22 **the electricity supplier may request, in the electricity supplier's**
- 23 **next general rate case, recovery of reasonable and necessary costs**
- 24 **incurred by the electricity supplier in attempting to comply with**
- 25 **section 5(b) or 5(c) of this chapter, as applicable."**
- 26 Page 16, line 19, delete "(1)" and insert "**and five-tenths (1.5)**".
- 27 Page 16, line 25, delete "in the" and insert "**that is directly**
- 28 **interconnected to"**.
- 29 Page 16, line 26, delete "territory of".
- 30 Page 16, line 26, delete "organization;" and insert "**organization**
- 31 **whose members include an electricity supplier;".**
- 32 Page 16, line 28, delete "five-tenths (0.5)" and insert "**one (1)**".

- 1 Page 16, delete lines 29 through 33.
- 2 Page 16, line 34, delete "(c)" and insert "**(b)**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 420 as printed February 17, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 3.

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**Senator Merritt, Chairperson**